NOTICE: This entry order is subject to motions for reargument under V.R.A.P. 40 as well as formal revision before publication in the Vermont Reports. Readers are requested to notify the Reporter of Decisions by email at: Reporter@vtcourts.gov or by mail at: Vermont Supreme Court, 109 State Street, Montpelier, Vermont 05609-0801, of any errors in order that corrections may be made before this opinion goes to press.

ENTRY ORDER

2026 VT 56

SUPREME COURT CASE NO. 26-AP-408

NOVEMBER TERM, 2026

In re Trust Estate of Judith Cross (Martha Tiffany Cross Daly, Appellant)	}	APPEALED FROM:
	}	Superior Court, Chittenden Unit, Probate Division
	}	CASE NO. 25-PR-06160
	}	Probate Judge: Gregory Glennon

In the above-entitled cause, the Clerk will enter:

¶ 1. The above-captioned appeal is dismissed for the following reasons. This action involves a trust that was settled and administered in New Hampshire, including after the death of the settlor. In 2025, petitioner, who is settlor's daughter and lives in Massachusetts, filed a petition to commence a trust proceeding in Superior Court, Chittenden Unit, Probate Division. The petition alleged that settlor's other daughter, who lives in Vermont, converted or brought trust property into Vermont. The probate division concluded that it lacked jurisdiction over the New Hampshire trust and dismissed the petition on July 1, 2026. On September 13, 2026, petitioner filed a notice of appeal "to the Vermont Superior Court, Civil Division." On October 27, 2026, the civil division issued a decision concluding that because the probate division's decision turned on a pure question of law, it lacked appellate jurisdiction over the appeal. The civil division therefore dismissed the appeal and remanded the matter to the probate division for it to transmit the appeal to this Court. The probate division then forwarded the appeal to this Court. Petitioner has not filed a notice of appeal to this Court.

¶ 2. The civil division is correct that whether the Vermont probate division had jurisdiction over the petition is a question of law that should have been appealed to this Court. See In re Peter Val Preda Trusts, 2019 VT 61, ¶ 7, 210 Vt. 607, 218 A.3d 27 (concluding civil division correctly dismissed appeal from probate division because probate order was equivalent to ruling on motion to dismiss and involved pure question of law). The civil division properly dismissed petitioner's appeal on that basis. Compare 12 V.S.A. § 2551 ("The Supreme Court shall have jurisdiction of questions of law arising in the course of the proceedings of the Superior Courts in probate matters, as in other causes."), with 12 V.S.A. § 2553 ("The Civil Division of the Superior

Court shall have appellate jurisdiction of matters originally within the jurisdiction of the Probate Division of the Superior Court, except as herein otherwise provided.").

¶ 3. However, neither the above statutes nor the applicable rules gave the civil division authority to remand and direct the probate division to transmit the appeal to this Court. Id.; see V.R.C.P. 72 (governing appeals from probate division to civil division); cf. V.R.C.P. 80.12(i) (expressly giving civil division power to remand post-conviction relief petition to criminal division with instructions for further proceedings). While "[d]etermining which court is the appropriate place to appeal from a probate division order can be a subtle proposition," Val Preda made it clear that the type of decision involved here was a pure question of law that had to be appealed to this Court. 2019 VT 61, ¶¶ 7, 9. Petitioner, who is represented by counsel, expressly chose to appeal to the superior court instead. Insofar as petitioner did not file a timely notice of appeal to this Court, we dismiss the appeal for lack of jurisdiction. See Casella Const., Inc. v. Dep't of Taxes, 2005 VT 18, ¶ 3, 178 Vt. 61, 869 A.2d 157 ("The timely filing of a notice of appeal is a jurisdictional requirement.").

Appeal dismissed.

BY THE COURT:

Paul L. Reiber, Chief Justice

Harold E. Eaton, Jr., Associate Justice

Nancy J. Waples, Associate Justice

Christina E. Nolan, Associate Justice

Michael P. Drescher, Associate Justice